

ORIGINAL

Jerry J. Jarzombek
714 W. Magnolia Avenue
Fort Worth, Texas 76104
Voice: 817-348-8325
Fax: 817-348-3828

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

2011 OCT 27 PM 12:28

CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EDWARD S. GARNER,

Plaintiff,

vs.

MICHAEL J. SCOTT, P.C.,

Defendant.

Civil Action No.

4-11 CV-767-A

COMPLAINT

and

DEMAND FOR JURY TRIAL

(Unlawful Debt Collection Practices)

Preliminary Statement

1. Plaintiff, Edward S. Garner ("Garner"), brings this action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), as well as under the Texas Debt Collection Act, Tex. Finance Code § 392.001, *et seq.* ("TDCA") and the Texas Deceptive Trade Practices Act, Subchapter E, Chapter 17, Business & Commerce Code ("DTPA"), to obtain statutory damages, injunctive relief, declaratory relief, and other relief for the Defendant's violations of the FDCPA, the TDCA and the DTPA.

2. Defendant, Michael J. Scott, P.C. ("Scott") attempted to collect a consumer debt allegedly owed by Plaintiff, arising from a purported obligation to Barclays Bank Delaware ("Barclays"). The obligation ("Debt") required Plaintiff to pay money arising out of transactions in which money, property, insurance, or services were the subject thereof and the same were primarily for personal, family, or household purposes. Specifically, the alleged debt arose from a credit card, which was used by the Plaintiff for non-business purposes.

Jurisdiction and Venue

3. Jurisdiction of this Court attains pursuant to 15 U.S.C. § 1692k(d), 28 U.S.C. §§ 1331 and 1337(a), and the doctrine of supplemental jurisdiction for the TDCA and DTPA claims pursuant to 28 U.S.C. § 1367.

4. Venue in the Northern District of Texas is proper under 28 U.S.C. § 1391(b)-(c) and because the acts and transactions occurred here and the Defendant transacts business here.

Parties

5. Plaintiff is a citizen of the State of Texas. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3) and Tex. Finance Code § 392.001(1).

6. Scott is an entity engaged in the business of collecting consumer debts in the Northern District of Texas. The principal purpose of Scott's business is the collection of consumer debts using the mails and telephone, and it regularly attempts to collect consumer debts for others. Scott is a "debt collector" as defined by 15 U.S.C. § 1692a(6) and Tex. Finance Code § 392.001(6). Scott is also a "third-party debt collector" as defined by Tex. Finance Code § 392.001(7).

Factual Allegations

7. On or about July 12, 2011, Scott filed suit on behalf of Barclays in the Justice Court, Precinct Four, of Tarrant County, Texas. Said lawsuit bears Cause No. JP04-11-JS00015562, and is styled *Barclays Bank Delaware v. Edward S. Garner*. (The "State Court Case"). The pleading affirmatively states that Tarrant County is a proper venue for the action "because it is the county of residence for one or more of the defendants at the time the cause of action accrued." The pleading makes no statement about the proper precinct.

8. As to the parties and the Debt, Tarrant County, Texas is not the Plaintiff's 15 U.S.C. § 1692i "district", and it is not the Tex. Civ. Prac. & Rem. Code § 15.092(c) precinct of Plaintiff's residence at the time the cause of action accrued. The Plaintiff was not a resident of Precinct Four of Tarrant County, Texas at the time that the State Court Case was filed, but rather a resident of Precinct Three. Moreover, the Plaintiff signed no contract with Barclays at a time when he was located in Precinct Four of Tarrant County, Texas.

9. On information and belief, Scott maintains a computer database of favorable courts, including justice courts, and files collection cases in more favorable venues without regard to the 15 U.S.C. § 1692i "district", or the Tex. Civ. Prac. & Rem. Code § 15.092(c) precinct.

10. On or about August 28, 2011, Plaintiff's wife found the original petition in the State Court Case lying on the ground near the front door of Plaintiff's home.

11. Finding a lawsuit on the ground is not personal service. Plaintiff, through counsel, filed a motion to quash the citation in the State Court Case. The motion was served on Scott via facsimile on August 1, 2011. A true and accurate copy of the cover letter and facsimile transmission

receipt indicating a successful transmission of the motion to quash are attached hereto as Exhibit A.

12. To transfer the case from Precinct Four to Precinct three of Tarrant County, Plaintiff, through counsel, filed a motion to transfer venue. A true and accurate copy of the cover letter and facsimile transmission receipt indicating a successful transmission of the motion to transfer venue are attached hereto as Exhibit B.

13. On August 15, 2011, Plaintiff, through counsel, provided notice of the time of the hearing on the venue matter. A true and accurate copy of the cover sheet and facsimile transmission receipt indicating a successful transmission of the hearing notice are attached hereto as Exhibit C.

14. By letter dated September 22, 2011, Scott communicated with the Plaintiff. A true and accurate copy of the September 22, 2011 correspondence is attached hereto AS Exhibit D.

15. Exhibit D falsely states that "a trial date has been issued" and urges the Plaintiff to settle the State Court Case, and warns that "if no agreement can be reached, it is our practice to move forward with the lawsuit and potentially obtain a judgment against you in court."

16. Plaintiff was represented by counsel at all times relevant to the September 22, 2011 correspondence from Scott.

17. The September 22, 2011 correspondence also seeks to create a false sense of urgency, by deceiving a putative debtor into settling a case, by falsely claiming that the case was set for trial, and that a judgment could be obtained at the non-existent trial date.

18. The foregoing acts and omissions were undertaken on behalf of the Defendant by its respective officers, agents, or employees acting at all times relevant hereto within the scope of that relationship.

19. The foregoing acts and omissions of the Defendant were undertaken by it willfully, intentionally, knowingly, and/or in gross disregard of the rights of the Plaintiff.

20. The foregoing acts and omissions of the Defendant were undertaken indiscriminately and persistently, as part of Defendant's regular and routine collection efforts, and without regard to or consideration of the identity or rights of the Plaintiff.

First Claim for Relief

21. The Plaintiff repeats, realleges, and incorporates by reference the foregoing paragraphs. The Defendant's violations of the FDCPA include, but are not limited to the following:

- a. In violation of 15 U.S.C. § 1692c(a)(2), the Defendant communicated with the Plaintiffs in connection with the collection of a consumer debt after learning that the Plaintiff was represented by an attorney and knew, or could readily ascertain, the attorney's name and address.
- b. In violation of 15 U.S.C. § 1692d, the Defendants engaged in conduct the natural consequence of which was to harass, oppress, or abuse a person in connection with the collection of a debt, which conduct included forum shopping in an effort to obtain the most favorable outcome in the collection of a consumer debt.
- c. In violation of 15 U.S.C. § 1692e, 15 U.S.C. § 1692e (2)(a), 15 U.S.C. § 1692e(10), and the "least sophisticated consumer standard," Defendant used objectively false representations and/or false, deceptive, or misleading representations or means in connection with the collection of a consumer debt, in an effort to create a false sense of urgency.
- d. In violation of 15 U.S.C. 1692e(5) and the "least sophisticated consumer standard," the Defendant threatened to take an action which cannot legally be taken or that is not intended to be taken, by filing a lawsuit in a precinct other than the precinct in which the Plaintiff signed the agreement or resided at the institution of the State Court Case..

- c. In violation of 15 U.S.C. § 1692f, Scott used unfair or unconscionable means to collect or attempt to collect a consumer debt which means included forum shopping in an effort to obtain the most favorable outcome in the collection of a consumer debt.
- d. In violation of 15 U.S.C. § 1692i, the Defendant filed suit in Precinct 4 of Tarrant County, Texas which is a judicial district other than the one in which the Consumer signed a contract sued upon, or in which the Consumer resided at the commencement of the action.

22. Under 15 U.S.C. § 1692k, Defendant's violations of the FDCPA render it liable to Plaintiff for statutory damages, costs, and reasonable attorney's fees.

Second Claim for Relief

23. The Plaintiff repeats, realleges, and incorporates by reference the foregoing paragraphs. The Defendant's violations of the TDCA include, but are not limited to the following:

- a. In violation of Tex. Fin. Code § 392.301(a)(8), the Defendant threatened to take (and/or did take) an action prohibited by law.
- b. In violation of Tex. Fin. Code § 392.304(a)(8), the Defendant misrepresented the character of a consumer debt, and the status of the debt in a judicial proceeding.
- c. In violation of Tex. Fin. Code § 392.304(a)(19), Defendant used false representations and deceptive means to collect a consumer debt.

24. Under Tex. Fin. Code Ann. § 392.403, the Defendant's violations of the TDCA render it liable to Plaintiff for statutory damages, injunctive relief, declaratory relief, costs, and reasonable attorney's fees.

Third Claim for Relief

25. The Plaintiff repeats, realleges, and incorporates by reference the foregoing paragraphs.

- a. Pursuant to Tex. Fin. Code Ann. § 392.404, the Defendant's violations of the TDCA also constitute a deceptive trade practice under Subchapter E, Chapter 17, Business & Commerce Code, ("DTPA") and is actionable under that subchapter.

26. Under Tex. Bus. & Com. Code Ann. § 17.50(b)(2), the Defendant's violations of the DTPA render it liable to Plaintiff for injunctive relief and reasonable attorney's fees.

Prayer for Relief

WHEREFORE, the Plaintiff prays that this Court:

1. Declare that Defendant's actions violate the FDCPA, the TDCA and the DTPA.
2. Enjoin the Defendant's actions which violate the TDCA and the DTPA.
3. Enter judgment in favor of Plaintiff and against Defendant for statutory damages, costs, and reasonable attorneys' fees as provided by 15 U.S.C. § 1692k(a) and/or Tex. Fin. Code Ann. § 392.403 and/or Tex. Bus. & Com. Code § 17.50(d).
4. Grant such further relief as deemed just.

Respectfully submitted,

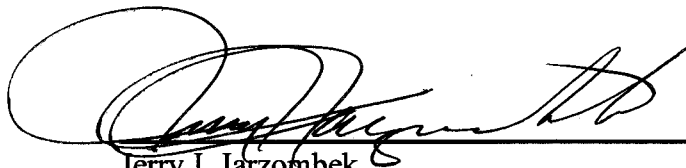


Jerry J. Jarzombek
Texas Bar No. 10589050
714 W. Magnolia Avenue
Fort Worth, Texas 76104
817-348-8325
817-348-8328 facsimile

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry J. Jarzombek", is written over a solid horizontal line.

Jerry J. Jarzombek
Texas Bar No. 10589050

714 W. Magnolia Avenue
Fort Worth, Texas 76104
817-348-8325
817-348-8328 facsimile

EXHIBIT A

THE LAW OFFICE OF JERRY JARZOMBEK, PLLC

714 W. MAGNOLIA AVENUE
FORT WORTH, TEXAS 76104

TELEPHONE: 817-348-8325

FACSIMILE: 817-348-8328

August 1, 2011

Court Coordinator
Justice Court – Precinct 4
6713 Telephone Road, Suite 201
Fort Worth, Texas 76135

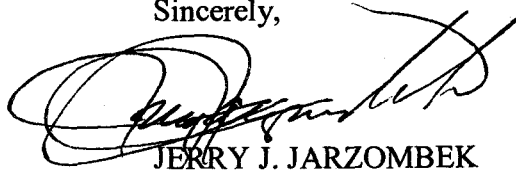
Re: Cause No. JP04-11-JS00015562
Barclays Bank Delaware vs. Edward S. Garner

Dear Coordinator:

Enclosed for filing in the above-captioned matter please find the original and one copy of Defendant's Motion to Quash Citation filed subject to his Motion Transfer Venue. Please return a file-marked copy to this office in the enclosed prepaid envelope.

Thank you for your courtesy.

Sincerely,



JERRY J. JARZOMBEK

JJJ/ac
Enclosures

cc: *VIA FAX: ((214) 234-8454*
Mr. Michael J. Scott
MICHAEL J. SCOTT, P.C.
P.O. Box 115220
Carrollton, Texas 75011

TX Report

P 1

08/01/2011 08:49
 Serial No. 331113627
 TC: 187881

Destination	Start Time	Time	Prints	Result	Note
12142348454	08-01 08:47	00:01:56	005/005	OK	L1

Note L1: Main Circuit, L2: Sub Circuit, TMR: Timer, POL: Poll, ORG: Original, FME: Frame Erase TX, MIX: Mixed Original, CALL: Manual Communication, CSRC: CSRC, FWD: Forward, PC: PC-FAX, BND: Bind, SP: Special Original, FCODE: F-Code, RTX: Re-Tx, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP-Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.

**THE LAW OFFICE OF JERRY
JARZOMBEC, PLLC**

714 W. MAGNOLIA
 FORT WORTH, TEXAS 76104
 817-348-8325 FAX 817-348-8328

FACSIMILE TRANSMITTAL SHEET

TO: Michael J. Scot	FROM: Jerry J. Jarzombek
COMPANY: MICHAEL J. SCOTT, P.C.	DATE: 08/01/11
FAX NUMBER: (214) 234-8454	TOTAL NO. OF PAGES INCLUDING COVER: 5
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Barclays Bank Delaware vs. Edward S. Garnet	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Original will not follow: Defendant's Motion to Quash Citation

Please call to report transmission problems.

This is a privileged and confidential communication and is transmitted for the exclusive information and use of the addressee. Persons responsible for delivering this communication to the intended recipient are admonished that this communication may not be copied or disseminated except as directed by the addressee. If you have received this communication in error, please notify us immediately. Thank you

EXHIBIT B

THE LAW OFFICE OF JERRY JARZOMBEK, PLLC

714 W. MAGNOLIA AVENUE
FORT WORTH, TEXAS 76104

TELEPHONE: 817-348-8325

FACSIMILE: 817-348-8328

August 1, 2011

Court Coordinator
Justice Court – Precinct 4
6713 Telephone Road, Suite 201
Fort Worth, Texas 76135

Re: Cause No. JP04-11-JS00015562
Barclays Bank Delaware vs. Edward S. Garner

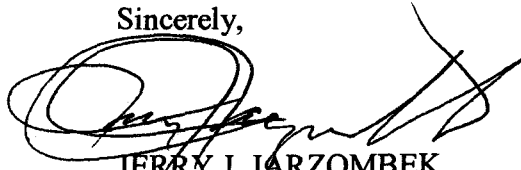
Dear Coordinator:

Enclosed for filing in the above-captioned matter please find the original and one copy of Defendant's Motion to Transfer Venue and proposed Order.

Please present these documents to the Judge for review. If no hearing is necessary, kindly return a file-marked copy of the Motion and conformed Order to this office in the enclosed envelope. Otherwise, please return a copy of the Motion, indicating the hearing date on the Fiat. Kindly allow 45 days notice for the hearing.

Thank you for your courtesy.

Sincerely,



JERRY J. JARZOMBEK

JJJ/ac
Enclosures

cc: **VIA FAX: ((214) 234-8454**
Mr. Michael J. Scott
MICHAEL J. SCOTT, P.C.
P.O. Box 115220
Carrollton, Texas 75011

TX Report

P 1

08/01/2011 08:47
 Serial No. 331113627
 TC: 187880

Destination	Start Time	Time	Prints	Result	Note
12142348454	08-01 08:44	00:02:33	006/006	OK	L1

Note L1: Main Circuit, L2: Sub Circuit, TMR: Timer, POL: Poll, ORG: Original, FME: Frame Erase TX, MIX: Mixed Original, CALL: Manual Communication, CSRC: CSRC, FWD: Forward, PC: PC-FAX, BND: Bind, SP: Special Original, FCODE: F-Code, RTX: Re-Tx, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP-Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.

**THE LAW OFFICE OF JERRY
 JARZOMBKE, PLLC**
 714 W. MAGNOLIA
 FORT WORTH, TEXAS 76104
 817-348-8325 FAX 817-348-8328

FACSIMILE TRANSMITTAL SHEET

TO: Michael J. Scot	FROM: Jerry J. Jarzombek
COMPANY: MICHAEL J. SCOTT, P.C.	DATE: 08/01/11
FAX NUMBER: (214) 234-8454	TOTAL NO. OF PAGES INCLUDING COVER: 6
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Barclays Bank Delaware vs. Edward S. Garner	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Original will not follow: Defendant's Motion to Transfer Venue

Please call to report transmission problems.

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EXHIBIT C

**THE LAW OFFICE OF JERRY
JARZOMBEC, PLLC**

714 W. MAGNOLIA

FORT WORTH, TEXAS 76104

817-348-8325

FAX 817-348-8328

FACSIMILE TRANSMITTAL SHEET

TO:	Michael J. Scot	FROM:	Jerry J. Jarzombek
COMPANY:	MICHAEL J. SCOTT, P.C.	DATE:	08/15/11
FAX NUMBER:	(214) 234-8454	TOTAL NO. OF PAGES INCLUDING COVER:	1
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	Barclays Bank Delaware vs. Edward S. Garner	YOUR REFERENCE NUMBER:	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Original will not follow by mail.

PLEASE BE ADVISED THAT A HEARING HAS BEEN SET AT 9:00 A.M. ON OCTOBER 10, 2011 IN JUSTICE OF THE PEACE COURT, PRECINCT 4 OF TARRANT COUNTY, TEXAS ON DEFENDANT'S MOTION TO TRANSFER VENUE.

Please call to report transmission problems.

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08/15/2011 19:01
 Serial No. 331113527
 TC: 188934

Destination	Start Time	Time	Prints	Result	Note
12142348454	08-15 19:01	00:00:33	001/001	OK	L1

Note L1: Main Circuit, L2: Sub Circuit, TMR: Timer, POL: Poll, ORG: Original, FME: Frame Erase TX, MIX: Mixed Original, CALL: Manual Communication, CSRC: CSRC, FWD: Forward, PC: PC-FAX, BND: Bind, SP: Special Original, FCODE: F-Code, RTX: Re-Tx, RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP-Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

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**THE LAW OFFICE OF JERRY
 JARZOMBK, PLLC**

714 W. MAGNOLIA
 FORT WORTH, TEXAS 76104
 817-348-8325 FAX 817-348-8328

FACSIMILE TRANSMITTAL SHEET

TO: Michael J. Scot	FROM: Jerry J. Jarzombek
COMPANY: MICHAEL J. SCOTT, P.C.	DATE: 08/15/11
FAX NUMBER: (214) 234-8454	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Barclays Bank Delaware vs. Edward S. Garner	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

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EXHIBIT D

Michael J Scott, PC
Attorneys and Counselors at Law
1120 Metrocrest Dr., Ste. 100
Carrollton, Texas 75006

September 22, 2011

(285688)

Edward S. Garner
14041 Voss Ave
Keller, TX 76244

Re: *Barclays Bank Delaware v. Edward S. Garner*
Cause No. JP04-11-JS00015562 in the Justice Court, Precinct 4 Place 1, Tarrant

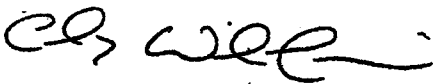
Dear Mr. Garner:

Our client has retained this firm and has authorized us to file a lawsuit to resolve this matter. We have received notification by the court that a trial date has been issued. Our client is still interested in negotiating a settlement prior to the current trial setting. In order to reach a settlement, our client is willing to stop any additional interest from being compounded to the account. If no agreement can be reached, it is our practice to move forward with the lawsuit and potentially obtain a judgment against you in court.

Additionally, please note that at Michael J. Scott, P.C. we are willing to work with you to obtain a reasonable and flexible payment arrangement. If you have already signed a Settlement Agreement for this account with our office, please disregard this notice.

If you would like to discuss your settlement options and avoid the trial setting, please call (469) 568-8714.

Thank you for your attention to this matter,



Cody Williams
Settlement Specialist

LEGAL NOTICE

IN ACCORDANCE WITH 15 U.S.C. 1692E(11), PLEASE BE ADVISED THAT THIS LETTER IS FROM A DEBT COLLECTOR AND THE PURPOSE OF THIS LETTER IS TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE.

Michael J Scott, PC

Tel: (214) 234-8456 • 1120 Metrocrest Dr., Ste. 100, Carrollton, Texas 75006 • Fax: (214) 234-8454

ORIGINAL

JS 44 (TXND Rev. 2/10)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

EDWARD S. GARNER

(b) County of Residence of First Listed Plaintiff TARRANT
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Jerry J. Jarzombek, The Law Office of Jerry Jarzombek, PLLC, 714 W.
Magnolia Ave., Fort Worth, Texas 76104; (817) 348-8325

DEFENDANTS

MICHAEL J. SCHOEN

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

4-11CV-767-A

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. 1692, et seq.

Brief description of cause:

Unlawful debt collection

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ 1,000.00 +

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ NoVIII. RELATED CASE(S) (See instructions)
PENDING OR CLOSED:

JUDGE

DOCKET NUMBER

DATE

10/26/2011

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE